

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 VALERIE SAMPSON and DAVID
11 RAYMOND, on their own behalf and on the
12 behalf of all others similarly situated,

13 Plaintiffs,

14 v.

15 KNIGHT TRANSPORTATION, INC. *et al.*,

16 Defendants.

17 CASE NO. C17-0028-JCC

18 MINUTE ORDER

19 The following Minute Order is made by direction of the Court, the Honorable John C.
20 Coughenour, United States District Judge:

21 This matter comes before the Court pursuant to the parties' joint status report (Dkt. No.
22 106). On June 14, 2018, the Court certified the following question to the Washington Supreme
23 Court: "Does the Washington Minimum Wage Act require non-agricultural employers to pay
24 their piece-rate employees per hour for time spent performing activities outside of piece-rate
25 work?" (Dkt. No. 92 at 17.) The Washington Supreme Court has answered the certified question
26 "no." *See Sampson v. Knight Transportation, Inc.*, 448 P.3d 9, 11 (2019). There is a pending
motion for class certification before the Court that has been fully briefed. (See Dkt. Nos. 52, 70,
77, 79, 82, and 83.) Defendants request leave to submit additional briefing to address both the
Washington Supreme Court decision and additional caselaw that bears on certification of the

1 remaining issues in the case. (Dkt. No. 106 at 2.) Finding good cause, the Court GRANTS
2 Defendants' request and ORDERS as follows:

- 3 1. The Court LIFTS its stay of this action.
- 4 2. Defendants may submit a supplemental brief addressing the Washington Supreme
5 Court decision and any new relevant legal authority issued after the close of the class
6 certification briefing. Defendants' supplemental brief shall not exceed five pages and
7 is due on March 18, 2020.
- 8 3. Plaintiffs' response to Defendants' shall not exceed five pages and is due on March
9 25, 2020.
- 10 4. Plaintiffs' motion for class certification (Dkt. No. 52) is RENOTED for March 25,
11 2020.

12 DATED this 3rd day of March 2020.

13 William M. McCool
14 Clerk of Court

15 s/Tomas Hernandez
16 Deputy Clerk